

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE CENTER FOR INVESTIGATIVE
REPORTING, INC.,

Plaintiff,

v.

OPENAI, INC., OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, OPENAI
HOLDINGS, LLC, and MICROSOFT
CORPORATION,

Defendants.

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC, OPENAI
GLOBAL LLC, OAI CORPORATION, LLC,
OPENAI HOLDINGS, LLC,

Defendants.

DAILY NEWS, LP; CHICAGO TRIBUNE
COMPANY, LLC; ORLANDO SENTINEL
COMMUNICATIONS COMPANY, LLC;
SUN-SENTINEL COMPANY, LLC; SAN
JOSE MERCURY-NEWS, LLC; DP MEDIA
NETWORK, LLC; ORB PUBLISHING, LLC;
AND NORTHWEST PUBLICATIONS, LLC,

Plaintiffs,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC, OPENAI
GLOBAL LLC, OAI CORPORATION, LLC,
OPENAI HOLDINGS, LLC,

Defendants.

Civil Action No. 1:24-cv-04872-UA

Hon. Sidney H. Stein

(Hon. Ona T. Wang)

ORAL ARGUMENT REQUESTED

Civil Action No. 1:23-cv-11195-SHS
(consolidated)

Hon. Sidney H. Stein

(Hon. Ona T. Wang)

ORAL ARGUMENT REQUESTED

Civil Action No. 1:24-cv-03285-SHS
(consolidated)

Hon. Sidney H. Stein

(Hon. Ona T. Wang)

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION AND MOTION TO CONSOLIDATE

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and Declaration of Paven Malhotra, the undersigned hereby moves this Court on behalf of Defendants OpenAI, Inc., OpenAI GP, LLC, OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation, LLC, OpenAI Holdings, LLC (collectively, “OpenAI”), and Defendant Microsoft Corporation before the Honorable Sidney H. Stein in Courtroom 23A and Magistrate Judge Ona T. Wang in Courtroom 20D of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York, 10007, for an order pursuant to Federal Rule of Civil Procedure 42(a) consolidating *The Center for Investigative Reporting v. OpenAI Inc., et al.* (1:24-cv-04872) with the already-consolidated *The New York Times Co. v. Microsoft Corp. et al.* (23-cv-11195-SHS) and *Daily News, LP et al. v. Microsoft Corp. et al.* (24-cv-03285-SHS) cases and proceeding on the case schedule set forth in the *New York Times* and *Daily News* cases.

KEKER, VAN NEST & PETERS LLP

Dated: October 4, 2024

By: /s/ Paven Malhotra

ROBERT A. VAN NEST (*pro hac vice*)

R. JAMES SLAUGHTER (*pro hac vice*)

PAVEN MALHOTRA - # 4409397

MICHELLE S. YBARRA (*pro hac vice*)

NICHOLAS S. GOLDBERG (*pro hac vice*)

THOMAS E. GORMAN (*pro hac vice*)

KATIE LYNN JOYCE (*pro hac vice*)

633 Battery Street

San Francisco, CA 94111-1809

Telephone: 415 391 5400

Facsimile: 415 397 7188

rvannest@keker.com

rslaughter@keker.com

adawson@keker.com

pmalhotra@keker.com

mybarra@keker.com

ngoldberg@keker.com

tgorman@keker.com

kjoyce@keker.com

Attorneys for OpenAI Defendants

Dated: October 4, 2024

LATHAM & WATKINS LLP

By: /s/ Elana Nightingale Dawson

Andrew M. Gass (*pro hac vice*)

andrew.gass@lw.com

505 Montgomery Street, Suite 2000

San Francisco, CA 94111

Telephone: 415.391.0600

Sarang V. Damle

sy.damle@lw.com

Elana Nightingale Dawson

Elana.nightingaledawson@lw.com

555 Eleventh Street, NW, Suite 1000

Washington, D.C. 20004

Telephone: 202.637.2200

Attorneys for OpenAI Defendants

Dated: October 4, 2024

MORRISON & FOERSTER LLP

By: /s/ Joseph C. Gratz

Joseph C. Gratz (*pro hac vice*)

jgratz@mofo.com

Vera Ranieri (*pro hac vice*)

vranieri@mofo.com

425 Market Street

San Francisco, CA 94105-2482

Telephone: 415.268.7000

Rose S. Lee (*pro hac vice*)

rose.lee@mofo.com

707 Wilshire Boulevard, Suite 6000

Los Angeles, California 90017-3543

Telephone: 213.892.5200

Attorneys for OpenAI Defendants

Dated: October 4, 2024

Orrick, Herrington & Sutcliffe LLP

SO ORDERED:

Application **DENIED** as Moot.
Already granted at ECF 131



Ona T. Wang 3/25/25
United States Magistrate Judge

By: /s/ Annette L. Hurst

Annette L. Hurst (*Pro Hac Vice*)
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: (415) 773-5700
ahurst@orrick.com

Christopher J. Cariello
51 West 52nd Street
New York, NY 10019
Telephone: (212) 506-3778
ccariello@orrick.com

Sheryl Koval Garko (*Pro Hac Vice* pending)
222 Berkley Street
Boston, MA 02116
Telephone: (617) 880-1800
sgarko@orrick.com

Laura Brooks Najemy (*Pro Hac Vice*)
222 Berkley Street
Boston, MA 02116
Telephone: (617) 880-1800
lnajemy@orrick.com

*Attorneys for Defendant
Microsoft Corporation*